

Remarks

The Office Action of October 4, 2010, has been carefully considered.

It is noted that Claims 1, 3 – 7, and 9 – 11, are rejected under 35 U.S.C. 102(b) over the patent to Yee.

It is further noted that Claims 8, 12 and 15 would be allowable if re-written in independent form.

In view of the Examiner's rejection of the claims, applicant has amended independent Claim 1. Support for the changes to claim 1 can be found in the drawings and at page 6, lines 21-26.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly-advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, as has been previously described, Yee discloses an adjustable guard arrangement for a power tool. This reference has been discussed at length in previous amendments and those comments are incorporated herein by reference. The following additional arguments are presented.

The hood member 42 of Yee cannot, during grinding of a workpiece edge, be pressed against the workpiece in the direction of the rotational axis 32 and simultaneously be pressed

against the workpiece at three bearing points, as recited in the presently claimed invention. In order to support the hood member 42 on the workpiece at three bearing points and simultaneously press the hood member against the workpiece in the direction of the rotational axis, it would be necessary to place the bottom edge of the hood member flat against the workpiece. However, in this position the grinding wheel 12 cannot reach the workpiece and the hood member 42 cannot be used as a guide device during grinding.

In order to make it possible to carry out grinding while the hood member 42 is lying on the workpiece, it is necessary for both bottom corners of the hood member to rest on the workpiece. The grinding wheel 12 could then reach the workpiece with its edge. The hood member 42 in this position does not rest against the workpiece at three bearing points, but instead at two points, namely the bottom corners.

Thus, there is no disclosure by Yee of a guide device that can be pressed in at least three bearing points against the workpiece so that the tool is stable in two directions, as in the presently-claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of Claims 1, 3 – 7, and 9 – 11, under 35 U.S.C. 102(b) over the above-discussed reference, is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Fees

Other than the \$245 fee for the two-month extension of time, no additional fees are believed to be due. However, if any fee is determined to be due, authorization is hereby given to charge the fee to Deposit Account No. 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Respectfully submitted

LUCAS & MERCANTI, LLP

By:

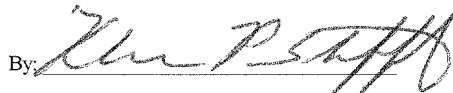


Klaus P. Stoffel, Reg. No. 31,668
475 Park Avenue South
New York, New York 10016
Tel: (212) 661-8000

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LUCAS & MERCANTI, LLP

By: 

Klaus P. Stoffel, Reg. No. 31,668